

A RESOLUTION

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BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF LAMONT JOHNSON V. CITY OF ATLANTA AND APD OFFICER M. H. PAYNE, UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA, ATLANTA DIVISION, CIVIL ACTION FILE NO. 1:06-CV-1706-AJB, IN THE AMOUNT OF \$20,000.00; AUTHORIZING SAID PAYMENT TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND), ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL); AUTHORIZING THE CHIEF FINANCIAL OFFICER TO DISTRIBUTE THE SETTLEMENT AMOUNT; AND FOR OTHER PURPOSES.

WHEREAS, Lamont Johnson v. City of Atlanta and APD Officer M. H. Payne is a case in which the Plaintiff Lamont Johnson is suing for personal injuries received when he was arrested by Atlanta Police Officer M. H. Payne on June 18, 2005. Plaintiff alleged injuries for assault and battery and violation of his constitutionally protected rights; and

WHEREAS, Plaintiff has alleged that Officer Payne used excessive force during his arrest and that he was deprived of his rights secured by the United States Constitution; and

WHEREAS, as a result of his arrest by Officer Payne, Plaintiff suffered lower back injuries resulting in a loss of employment; and

WHEREAS, the United States District Court granted the City of Atlanta summary judgment and denied Officer Payne summary judgment leaving a question of material fact for a jury to decide; and

WHEREAS, the Plaintiff is willing to settle all claims against Officer M.H Payne and The City of Atlanta for twenty thousand dollars (\$20,000.00) an amount that includes all costs and attorney's fees, including a dismissal with prejudice as to all claims against the City of Atlanta and Officer Payne; and

WHEREAS, the City Attorney recommends this settlement because it is in the best interests of the City;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the City Attorney is hereby authorized to conclude the settlement of all claims of Lamont Johnson against M.H Payne as set forth in Civil Action FILE NO. 1:06-CV-1706-AJB, in the United States District Court for the Northern District of Georgia, Atlanta Division, for the aggregate amount of twenty thousand dollars (\$20,000.00), including execution of settlement documents;

SECTION 2. That the Chief Financial Officer is authorized to pay to Lamont Johnson and his attorney E. Earl Burke, the total sum of \$20,000.00, which shall be paid from **Fund 1A01 (General Fund), Account 529017 (Property Liquidation) and Center Number T31001 (Non Departmental).**